

IFSSA/DIVISION OF MENTAL HEALTH

Policy

Effective

April 12, 1999

DMH Policy Development Process

I. PURPOSE

- A. To establish a Division of Mental Health Policy Development Committee, Policy Development Process and Levels of Policy.

II. APPLICATION

- A. Family and Social Services Administration, Division of Mental Health.

III. POLICY STATEMENT

- A. DMH Policy Development Committee (PDC)

- 1. The Committee consists of:

- (a) Deputy Director, Public Policy (Chair)
 - (b) Assistant Deputy Director, Policy Development (Vice-Chair)
 - (c) Deputy Director, Client Services (or Designee)
 - (d) Deputy Director, Contract Management (or Designee)
 - (e) Deputy Director, Transitional Services (or Designee)
 - (f) At Large (optional- nonvoting)

NOTE: Positions *a* through *e* are voting members of the PDC.

- 2. The PDC reviews all requests for the development and/or review of Division policies and rules, determines appropriate action, oversees the policy development process, and recommends final action to the Division Director. The PDC is authorized to stop the process at any time as deemed necessary by the Committee.

- B. Levels of Division of Mental Health Policy

- 1. Statute

A law enacted by the legislative body of Indiana State government. Authority to establish policy and to promulgate rules is based on statutes relating to DMH or to State government in general. Statutes are published in the Indiana Code (IC).

2. Promulgated Rules

Rules apply to all agencies and services that are funded, licensed, certified, or directly operated by the Division of Mental Health. Promulgated rules have the standing of law and must go through a promulgation process established by law. Rules are published in the Indiana Administrative Code (IAC). All proposed rules or amendments to rules are subject to the DMH Policy Development Process.

3. Division Policies

An overall course of action adopted by DMH designed to influence and determines decisions made regarding DMH activities. Including State-operated facilities and providers of mental health and addictions services with which DMH contracts, licenses or certifies. Policies are maintained in writing by the Division and are distributed as appropriate and are available upon request. All proposed policies or amendments to policies are subject to the DMH Policy Development Process.

4. Administrative Directive

The Division Director is authorized to issue an Administrative Directive, which is an interim policy, on an emergency basis for a period not to exceed 180 days. If the directive is needed on a permanent basis, it shall be referred to the policy development process.

5. Letter or Memorandum of Guidance

All mass mailings that provide an explanation or interpretation of a DMH rule, policy or administrative directive shall be copied to the Assistant Deputy Director of Public Policy. Wherever the correspondence crosses office responsibilities, the Office of Public Policy shall notify the Deputy of that office.

6. Provider Manuals

These manuals include specific procedures which providers must follow to operate a particular program or to comply with a required process.

7. Operating Policies (State-Operated Facilities)

An operating policy may be issued by the Division Director and apply to the Division of Mental Health operated facilities. Such policies should be consistent with DMH rules and policies and with JCAHO, HCFA (Medicaid and Medicare), Department of Health, and any other

applicable Federal, State, and local government regulations. At the discretion of the Division Director or the Deputy Director of Client Services, the Operating Policy may be submitted to the Policy Development Committee for review.

8. Operating Directive (State-Operated Facilities)

The Deputy Director of Client Services is authorized to issue an Operating Directive, which is an interim operating policy for State-operated facilities for a period not to exceed 180 days. If the directive is needed on a permanent basis, it shall be submitted to the Division Director for consideration for issuance as an Operating Policy. At the discretion of the Division Director or the Deputy Director of Client Services, the Operating Directive may be submitted to the Policy Development Committee for review.

9. Standard Operating Procedures

Specific procedures, which must be, followed at all State-operated facilities in order to implement operating or Division policies.

10. Facility Policy

A policy that is generated by a State-operated facility to address a particular issue unique to that facility.

C. The DMH Policy Development Process

1. The PDC considers recommendations for the development or the review of Division policies or rules. If the Committee determines that a new policy is not needed or that the current policy is adequate, the process ends here. Requests are submitted for consideration by utilizing the DMH Policy Development Request Form (available from the Office of Public Policy).
2. Once the PDC has determined a policy needs development or review, an assignment is made to the appropriate DMH Office for development of a First Draft. The responsible office is encouraged to seek input from knowledgeable persons, agencies or organizations.
3. PDC considers First Draft and accepts, amends and accepts, or returns the draft for further work.
4. After draft is accepted by the PDC, it may be distributed for review and comment as appropriate to:

- (a) Mental Health Advisory Council,
- (b) DMH Bureau Advisory Committees,
- (c) External advisory groups, agencies, organizations or individuals.

5. PDC reviews comments, approves, amends draft as appropriate and approves, or returns to the responsible office for further work.
6. Division Director reviews and approves or returns to PDC for further work.
7. Approved Division Policies are distributed and implemented.
8. Rules begin the legal promulgation process.
9. Rules are implemented after promulgation.

IV. LEGAL REFERENCES AND AUTHORITY

Authority: IC 12-21-2-3
Affected: 440 IAC

REVIEWED AND ENDORSED by
DMH Policy Development Committee

Deputy Director for Public Policy

Date

APPROVED for Implementation

Director, Division of Mental Health

Date